Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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No. 87-779

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1987

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RAYMOND DOBARD,

Appellant,

vs.

CITY OF OAKLAND, et al.,

Appellee,

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Supplement To

Opposition to Motion to Affirm
Decision Below - In Substantiality

Raymond Dobard
Appellant, in pro per
not represented by
counsel
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January 3, 1988

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SUPPLEMENT TO BRIEF REGARDING INADVERTENT ERROR BY APPELLANT IN HIS OPPOSITION TO APPELLEE'S MOTION TO AFFIRM DECISION BELOW - INSUBSTANTIALITY

To: Honorable Thurgood Marshall, Associate Justice of the Supreme Court of the United States.

On January 2, 1988, appellant mailed his brief in opposition to appellee's motion to affirm the decision below - insubstantiality by United States "Express Mail" that contained the following inadvertent minor errors that are now being corrected: (1) On the yellow outside cover, and on page 15, it avers to the date of January 2, 1987, that should have been January 2, 1988; (2) Tables of contents and authorities were omitted and are now being presented and consolidated for the January 2 brief; (3) Appellant's response to the additional conclusions of appellee that were previously objected to in the January 2nd brief are now being responded to by appellant in this supplemental January 3, 1988 Brief.

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APPELLANT RESPONSES TO APPELLEE'S CONTENTIONS OF APPELLANT'S FAILURE TO MAKE REPAIRS, OR ALLOW INSPECTION

The gravamen of appellee's motion refers to appellant failing to make repair to eliminate nuisance or allow inspection of property. Appellant refutes this by his Exhibit "C" and "C-1" on pages 65-76 and page 6 of appellee's motion that clearly state that housing inspector Mr. Thomas, on Sept. 9/30/80, 1980 and Oct. 2, 1980, inspected appellant's properties for repairs and noted substantial progress. These inspections by housing inspector Mr. Thomas contradict and refute appellee's contention of failure of appellant to allow inspections on premises as stated on pages 6, 23, and 24 of its motion, that avers i.e. "Demolition was ordered only after attempts to inspect the property and determine its condition failed. Appellant further points out to this Court that this statement and reason given by appellee for demolition of appellant's properties due to "failure to inspect," contradicts all of the intentional perversion of fact that appellee

previously testified to in the District Court and the court below whereas it stated that appellant's properties were demolished due to its public nuisance conditions.

Appellant points out that failure to inspect is not a standard for demolition, as reflected in the Oakland Housing Code Ordinance section H-306, Standards for Demolition (see pp. 7-8 of appellee's (unnumbered) appendix).

Referring to Demolition Procedures, section H-305, the Housing Advisory and Appeals Board made no constitutional ("due process") determination or findings relative to updated and existing public nuisance conditions at the resolution hearings of September 6 and October 4, 1984. These unconstitutional hearings were being held in violation of OHC §H-303, without verified notice to appellant for granting him his constitutional right to be heard and to refute the (suppressed) public nuisance allegations. Appellant further states that no verified judicial determination was made or

presented in court, except "hearsay," relative to an existing and updated determination of public nuisance. There was no verified documented evidence shown or presented to the court in compliance with the Demolition Procedures of OHC §H-306, Standard for Demolition (pp. 7-8 of appellee's appendix).

APPELLANT'S OPPOSITION TO APPELLEE'S RECUSAL ALLEGATIONS

Appellant refers this Honorable Court to pages 16-19 of his (amended) appendices to Jurisdictional Statement dated 11-1-87 reflecting (i) Motion to Disqualify Hon. Judge J. P. Vukasin, Jr., dated Feb. 11, 1985, pursuant to 28 USCS 455(a) and (ii) Affidavit of Prejudice to Disqualify Judge, also dated Feb. 11, 1985. Appellee evasively failed to address this disqualification motion on pages 8 and 9 of its motion, in referring to Litigation History. The court below rendered an erroneous conclusion that Judge Vukasin's brother, Mr. George Vukasin was completely independent of appellee. Both appellant Dobard and the judgment and opinion of

California Attorney General John K. Van de Kamp disagree with conclusions below for the following reasons (see pp. 94-98 of appellant's appendices); opinion and judgment No. 86-502 finding Mr. George Vukasin and his coliseum board (p. 97) to be a body which has been delegated powers of a "legislative body" of a local agency (City of Oakland) pursuant to section 54952.2 will itself be a "legislative body." Appellant further points to pages 86-91 of his appendices to the memorandum of agreement signed by Mr. George Vukasin making a $15 million loan of public taxpayers' funds of the City of Oakland to the Oakland Athletics Baseball Club. This refutes appellee's erroneous contentions, on page 13 of its motion, regarding its designation of Mr. George Vukasin and his board being a legislative body of the City "only" pertaining to California open meetings. Appellant states that a legislative body of a local agency, no matter what designation is being applied, is still a legislative body of that local agency (City

of Oakland) conducting its business affairs and thus Mr. George Vukasin is construed to be having his foundation in public policy. Appellant further states that appellee intentionally failed to contravene the $15,000,000 loan made by Mr. Vukasin. Therefore, 28 USC sec. 455 (a) and (b)(5)(i) are applicable and recusal was required.

## CONCLUSION

Appellant prays that this Honorable Court deny appellee's motion to affirm - insubstantiality and reverse the affirmation below and grant judgment to appellant and cast appellee with all costs of appeal.

Dated: January 3, 1988

Respectfully Submitted,

Raymond Dobard,
Appellant-Plaintiff in Pro Per and not represented by counsel